

FISCAL IMPACT STATEMENT ON BILL NO. **S890, as Amended**

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TO:	The Honorable James H. Harrison, Chairman, House Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Allan Kincaid, Earle Powell, Rodney Grizzle, Beth Quick		
DATE:	June 3, 2008	SBD:	2008282

AUTHOR:	Senator Malloy	PRIMARY CODE CITE:	23-3-620
SUBJECT:	DNA Samples		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

A Cost to Federal and/or Other Funds (See Below)

BILL SUMMARY:

The proposed Bill requires that a person arrested for an offense committed in this State provide a saliva or tissue sample from which DNA may be obtained for inclusion in the State DNA Database.

EXPLANATION OF IMPACT:

State Law Enforcement Division (SLED)

Sections 5 - 8

According to SLED there are approximately 234,000 arrests annually. Of these, approximately 75,000 would meet the criteria in the Bill requiring a DNA sample. This impact statement does not consider any persons arrested more than once which may result in a duplication of samples, see Section 4(B). It is estimated there will be an annual cost to the General Fund of the State of \$3,074,100 due to expanding the DNA database. This cost would include nine (9.00) new positions totaling \$426,600; sample kits at \$262,500 and outsourcing of 53,000 samples at \$45 each totaling \$2,385,000. There would also be one-time costs of \$600,000 for renovation of the forensic building and \$600,000 for retooling of lab equipment. Total first year costs can be estimated at \$4,274,100.

Sections 10 and 11

Based on SLED response on S.429 there will be minimal impact which can be absorbed within existing resources.

Attorney General's Office

The Office reports that it would require 15.00 new FTEs for 8.00 Attorneys, 1.00 Investigator, and 6.00 support staff at an annual cost to the General Fund of \$861,990 for salary, fringe, and other operating expenses. There would be a non-recurring cost to the General Fund of \$232,100 for startup expenses. The agency expects to also spend \$309,968 on Post Conviction Relief transcripts per year in General Funds.

Commission on Indigent Defense

Based on the Commission's response on S.429 the agency indicates that the proposed legislation would impact the agency at two levels, the hearing level and the appellate level. The cost of a single case at the hearing level is capped at \$1,000, with the average cost being approximately \$800. The cost of a single appeals case averages approximately \$1,000. The total number of cases which might be filed based upon this legislation has yet to be determined. Any increases in cost to the Commission would be Other Funds expenditures.

Prosecution Coordination Commission

Based on the Commission's response on S.429 the agency indicates the Bill will have an impact on the State General Fund expenditures. However, the agency indicates it does not have sufficient data upon which to base an estimate. Court rulings, as yet to be made under the Bill's provisions, would be a major factor in determining the cost to the agency.

Department of Public Safety

Based on the Department's response on S.429 the agency indicates this Bill will have a minimal impact on expenditures associated with additional storage space requirements for "DNA" type evidence. However, the agency anticipates such costs can be absorbed within existing resources.

Department of Corrections

This Bill will have a minimal fiscal impact on the General Fund of the State, which the agency can absorb at the current level of funding.

Department of Probation, Pardon & Parole Services

This Bill will have a fiscal impact on the General Fund of the State of approximately \$254,000 annually due to personnel and other operating expenses. There will also be a one-time cost of \$100,000 for the OMS System programming and data tracking upgrades. The total year one cost would be \$354,000.

LOCAL GOVERNMENT IMPACT:

Three of five local governments contacted concerning this Bill indicated it would have little or no impact on expenditures. One county indicated enactment may result in the need for additional staff which would result in costs of no more than \$25,000 annually. Another county reported that passage would require them to lease space to store evidence and estimated annual costs of \$150,000.

SPECIAL NOTES:

The Board of Economic Advisors is the appropriate entity to address any revenue impact associated with this Bill.

Approved by:

A handwritten signature in black ink that reads "Harry Bell". The signature is written in a cursive, flowing style.

Harry Bell
Assistant Director, Office of State Budget